

OWEN COUNTY LOCAL COURT RULES

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LR60-TR79 (H)-1**SPECIAL JUDGE ASSIGNMENT IN CIVIL CASES**

When it is necessary to appoint a special judge pursuant to Trial Rule 79 (H), it shall be done in accordance with District 20 Rule on appointment of special judge in civil cases at **DR20-TR79-000**.

(Amended effective August 15, 2013)

DR 20-TR79-000**APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES****A. ELIGIBILITY FOR SPECIAL JUDGE SERVICE:**

1. **AGREEMENT TO SERVE.** Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.
2. **PRIOR SERVICE EXCLUDED.** The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. APPOINTMENT OF A SPECIAL JUDGE: In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, the Special Judge appointment shall be made by the Administrative District 20 Facilitator:

1. **PRIORITY GIVEN TO LOCAL COUNTY APPOINTMENTS.** Special Judge appointments shall be made within the Local County, on a rotating basis so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
2. **DISTRICT (OUTSIDE COUNTY) APPOINTMENTS.** In the event that no Local Judicial Officer is available, the case will be forwarded to the District 20 Facilitator who will appoint a Special Judge on a rotating basis, from the available Judicial Officers within the Administrative District who have jurisdiction for the type of case.

C. ACCEPTANCE OF APPOINTMENT:

1. **ACCEPTANCE MANDATORY.** Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. **Documentation.** An oath or additional evidence of acceptance of jurisdiction is not required.

- D. SUPREME COURT CERTIFICATION.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- E. DISCONTINUATION OF SPECIAL JUDGE SERVICE.** The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.
- F. METHOD OF ASSIGNMENT AND RELATED RECORDS.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

(Adopted effective August 15, 2013)

LR60-CR2.2-3

REFILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from where the dismissal was taken.

LR60-CR2.2-4

**APPOINTMENT OF SPECIAL JUDGE IN
CRIMINAL CASES**

When it is necessary to appoint a special judge pursuant to Criminal Rule 13, it shall be done in accordance with District 20 Rule on appointment of special judge in criminal cases at **DR20-CR13-000**.

(Amended effective August 15, 2013)

DR 20-CR13-000

**APPOINTMENT OF SPECIAL JUDGE IN
CRIMINAL CASES**

Each county within the Administrative District shall amend its local rules, pursuant to Criminal Rule 2.2 and 13, to allow for appointment of Special Judges utilizing the following elements.

A. ELIGIBILITY FOR SPECIAL JUDGE SERVICE.

1. **AVAILABLE TO SERVE.** Pursuant to Criminal Rule 13(C), the Judicial Officers of Administrative District 20 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.
2. **PRIOR SERVICE EXCLUDED.** The appointment of Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

- B. APPOINTMENT WITHIN THE ADMINISTRATIVE DISTRICT.** In order to improve the coordination within the Administrative District, and pursuant to Criminal Rule 13(C), appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.
- C. APPOINTMENT OF A SPECIAL JUDGE.** In the event of the need for the regular, sitting Judicial Officer to recuse herself/himself from a normally assigned case, Special Judge appointment shall be made by the Administrative District 20 Facilitator.
- 1. PRIORITY GIVEN TO LOCAL COUNTY APPOINTMENTS.**
Pursuant to Criminal Rule 2.2, appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment. Following the appointment of the Special Judge, the Special Judge may request that the case be forwarded to the court of the Special Judge.
 - 2. DISTRICT (OUTSIDE COUNTY) APPOINTMENTS.** In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District.
- D. ACCEPTANCE OF APPOINTMENT.**
- 1. ACCEPTANCE MANDATORY.** Pursuant to Criminal Rule 13(C), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
 - 2. DOCUMENTATION.** An oath or additional evidence of acceptance of jurisdiction is not required.
- E. SUPREME COURT CERTIFICATION.** In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.
- F. DISCONTINUATION OF SPECIAL JUDGE SERVICE.** The provisions of C.R. 13(F) if a Special Judge ceases to serve following assumption of jurisdiction.
- G. METHOD FOR ASSIGNMENT AND RELATED RECORDS.** The District Facilitator has maintained a method for rotation for appointments and maintained records related thereto which will be continued. Any amendments to the method will be made by votes cast by the Judicial Officers of Administrative District 20.

(Adopted effective August 15, 2013)

LR60-CR2.2-5**CERTIFICATION OF UNAVAILABILITY TO
SUPREME COURT**

In the event that no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event that the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

(This Rule has been modified on July 1, 2011. The original version was approved by the Indiana Supreme Court on June 19, 1995.)

LR60-CR00-1**STATEMENT OF PRINCIPLES**

The Criminal Rules of the Owen Circuit Court are intended:

- A. To promote a fair and expeditious determination of the charges, whether by plea or trial;
- B. To provide the defendant with sufficient information to make an informed plea;
- C. To permit thorough preparation for trial and minimize surprise at trial;
- D. To avoid unnecessary and repetitious trials by identifying any latent procedural or constitutional issues and affording remedies therefore prior to trial;
- E. To reduce interruptions and complications of trials by identifying collateral issues and determining them prior to trial; and
- F. To effect economies of time, money, and judicial and professional talents by minimizing paperwork, repetitious asserts of issues, and the number of separate hearings.

(Effective July 1, 2014)

LR60-CR00-2**DISCLOSURE BY THE PROSECUTING ATTORNEY**

A. SCOPE. The prosecuting attorney shall, except as otherwise provided by these rules disclose and provide to the defendant the following information:

1. The names, addresses, and telephone numbers of all persons who may be called as witnesses in the case, together with copies of their written or recorded statements and any record of their prior criminal convictions;
2. Copies of any written or recorded related to the case, made by the defendant or made by a co-defendant;
3. A copy of the grand jury minutes containing testimony of any person from whom testimony was taken in the case;

4. Copies of any reports or statements of expert or skilled witnesses related to the case, including results of physical or mental examinations, scientific tests, experiments, or comparisons;
5. The terms of any agreements made with co-defendants or other witnesses to secure their testimony, including any written documentation thereof;
6. Identification of any books, papers, documents, photographs, or other tangible objects which may be offered as evidence in the case or which were obtained from or belong to the defendant;
7. Copies of affidavits for search warrants, search warrants, and returns made on search warrants;
8. Whether any relevant grand jury testimony has not been transcribed;
9. Whether any existing material or information subject to these rules is not then available to the prosecuting attorney for disclosure to the defendant;
10. Whether any material or information related to the case has been provided by an informant;
11. If there has been any electronic surveillance or wiretapping of the defendant's premises or conversations to which the defendant was a party; and
12. If requested by the defendant, any relationship of specified persons to the prosecuting attorney.

B. EXCULPATORY OR MITIGATING INFORMATION. The prosecuting attorney shall disclose to the defendant any material or information known to the prosecuting attorney which would tend to negate the guilt of the defendant as to the offense charged or which would tend to mitigate any sentence imposed in the event of a conviction.

C. EXAMINATION OF EVIDENCE. The prosecuting attorney's duties to disclose information and evidence under this rule include material and information in the possession and control of the prosecuting attorney's staff and employees, of any other persons who have participated in the investigation and evaluation of the case, of any other persons who regularly report to the prosecuting attorney, and of any other persons who have reported to the prosecuting attorney with reference to the charge filed.
(Effective July 1, 2014)

LR60-CR00-3 DISCLOSURE BY THE DEFENDANT

A. SCOPE. The defendant shall, subject to constitutional limitations and except as otherwise provided by these rules, disclose to the prosecuting attorney:

1. The names, addresses and telephone numbers of all persons who may be called as witnesses in the case, together with copies of their written or recorded statements;
2. Copies of any reports or statements of expert or skilled witnesses related to the case, including results of physical or mental examinations, scientific tests, experiments, or comparisons intended to be offered as evidence in the case;
3. Identification of any books, papers, documents, photographs, or other tangible objects which may be offered as evidence in the case; and
4. Identification of any affirmative defenses upon which the defendant intends to rely in the case.

B. EXAMINATION OF EVIDENCE. The defendant shall permit inspection, copying, photographing, and testing of all evidence disclosed under these rules at reasonable times and places and under reasonable terms and conditions to insure against loss of, damage to, or alteration of the character or integrity of the evidence.

C. ADDITIONAL DISCLOSURE UPON ORDER OF THE COURT. The Court may, subject to constitutional limitations, require a defendant or a suspect in an investigation:

1. To appear in a line-up;
2. To speak, and to speak specific words, within the hearing of witnesses to an alleged offense;
3. To pose for photographs not involving the reenactment of alleged events;
4. To provide handwriting specimens;
5. To be fingerprinted;
6. To don specified articles of clothing;
7. To submit to reasonable physical or medical inspections;
8. To submit to the taking of specimens of material from under fingernails and toenails; and
9. To submit to the taking of sample of blood, hair, and other bodily substances and materials.

D. REASONABLE CAUSE AND NOTICE. A suspect not charged with an offense shall be required to appear pursuant to Section (C) only after a determination by the Court that there is a reasonable cause to require the person to appear for the specified purpose. A defendant or suspect ordered to appear for a purpose specified in Section (C) shall be given reasonable advance written notice specifying the purpose of the appearance, the place at which the person must appear, and the date, time, and length of time required for the appearance. Such notice shall be provided to the person and the person's attorney, if any, and the attorney shall have the right to the present.
(Effective July 1, 2014)

LR60-CR00-4 GENERAL RULES PERTAINING TO DISCOVERY

A. REQUIREMENT OF COURT ORDER. No written motion to, or order of, the Court shall be required to obtain discovery pursuant to these rules, except:

1. For additional discovery or disclosure not specifically required by these rules;
2. For an extension of time within which to comply with these rules, specifying the reasons for the extension;
3. For a protective order; or
4. To complete compliance with these rules.

B. TIME OF DISCLOSURE. The prosecuting attorney shall provide full discovery to the defendant:

1. Within 21 days after the initial hearing in a felony case, or
2. Within 15 days;
 - a. After an attorney's appearance for the defendant; or
 - b. After a pro se defendant's request in a misdemeanor case.

The defendant shall provide full discovery to prosecuting attorney:

1. Within 21 days after disclosure by the prosecuting attorney in a felony case; and
2. Within 15 days after disclosure by the prosecuting attorney in a misdemeanor case.

C. CONTINUING DUTY. The duty of disclosure pursuant to these rules continues until dismissal, acquittal, or conviction and a party shall disclose all information and material subject to these rules or other order of the Court promptly after discovery thereof, notwithstanding any prior compliance with these rules.

D. MANNER OF DISCLOSURE. All disclosures required by these rules shall be made in writing or, if first discovered during hearing or trial, on the record in open court.

E. WORK PRODUCT. Neither party shall be required to disclose work product.

F. EXCISION. Tangible items which are in part subject to these rules and in part beyond the scope of these rules shall be excised and produced to the extent required by these rules, with notice to the other party that portions thereof have been excised.

G. PROTECTIVE ORDERS. Disclosure required by these rules may be denied or subjected to reasonable limitations if the Court, after motion by either party determines that any benefit of the disclosure is outweighed by a substantial risk to any person of physical harm, non-physical injury or damage, undue embarrassment, or other compelling factor.

H. IN CAMERA EXAMINATION. Any tangible item or information which becomes the subject of a motion for protective order may be examined, inspected, or otherwise evaluated, by the Court in camera. Upon order of the Court granting such relief, a summary of the protected information, shall be sealed and preserved in the record of the case.

I. IMPEDING INVESTIGATION PROHIBITED. Neither party shall, directly or indirectly, advise any person to refuse to discuss the case with the other party, advise any person to refuse to disclose any relevant information or material to the other party, or otherwise impede the other party's investigation of the case, except as may be authorized by constitutional provision, the statutes of this State, or common law privilege.

J. SANCTIONS. Upon failure or refusal of either party to comply with these rules or other discovery orders of the Court, the Court may impose sanctions.

(Effective July 1, 2014)

LR60-CR00-5**PRETRIAL CONFERENCES**

A. NUMBER; ORDERS AND REPORTS. One or more pretrial conferences may be required at the discretion of the Court. All attorneys of record are required to appear at and participate in all required pretrial conferences. The Court shall make or require an appropriate order or report after a required pretrial conference.

B. PRESENCE OF DEFENDANT. The defendant may be required, by order of the Court, to attend pretrial conferences.

C. SCOPE. All pretrial conferences shall address with specificity:

1. The names of all persons, including addresses and telephone numbers upon request of the opposing party, intended to be called to testify at pretrial hearings or at trial;
2. The identification of all tangible items intended to be offered as exhibits at pretrial hearings or at trial;
3. All stipulations of testimony and fact concerning matters not in material dispute which may aid in expediting pretrial hearings or the trial;
4. The identification of all motions to dismiss, motions to suppress evidence, questions of law, and procedural issues which can and should be resolved prior to trial to expedite the trial of the case;
5. The anticipated necessity of further discovery by either party and the reasonable length of time required to complete it; and
6. The tender of any proposed plea and/or sentencing agreement by the prosecuting attorney and the response of the defendant thereto.

(Effective July 1, 2014)

LR60-CR4-1**TRIAL SCHEDULE**

Except as may be required for compliance with Criminal Rule 4 of the Indiana Rules of Criminal Procedure or other just cause determined by the Court, cases will be scheduled and called for trial according to the earliest date of filing. However, all cases scheduled for trial remain on the trial docket, unless continued on order of the Court.

(Effective July 1, 2014)

LR60-CR00-6**CONTINUANCES**

A. REQUIREMENT OF MOTIONS. All motions for continuance shall be requested, and will be granted by the Court only for good cause.

B. CONFLICTING SETTINGS. All motions for continuance based on conflicting case settings shall be filed within 14 days after notice of the conflict and shall specify:

1. The court in which the conflicting case is pending;
2. The name and cause number of the case;
3. The nature of the conflicting hearing or trial; and
4. The date upon which the other court scheduled the conflicting setting.

- C. FURTHER DISCOVERY.** Continuances for the purpose of conducting further discovery may be granted for good cause shown. However, no continuances for the purpose of discovery filed more than 6 months after the initial hearing will be granted by the Court, absent demonstration by the moving party that need for the additional discovery could not have been anticipated, or that the discovery could not have been completed by the exercise of due diligence.
- D. UNAVAILABILITY OF WITNESSES.** Any motion for continuance based on the unavailability of a witness shall be filed at least 7 days before the scheduled trial date. Any such motion filed more than 6 months after the initial hearing, or any such motion to which an objection is filed, must comply with IC 35-36-7-1 or IC 35-36-7-2.

(Effective July 1, 2014)

LR60-CR00-7 BONDS

All bonds shall be delivered by the Owen County Sheriff's Department to the Clerk for posting. The Clerk shall deliver the bonds to the appropriate court division prior to the time of Initial Hearing.

In the case of a Defendant who is charged prior to July 1, 2014, but arrested after July 1, 2014, amount of bond will be left to the Court's discretion, with consideration given to the bond schedule amount for similar offenses under the most recent criminal code.

(Effective July 1, 2014)

LR60-CR00-8 BAIL BOND SCHEDULE

IN THE CIRCUIT COURT
FOR THE COUNTY OF OWEN AND STATE OF INDIANA

ORDER ESTABLISHING BAIL SCHEDULE

Pursuant to the provisions of IC 35-33-8-4, the Circuit Court of Owen County, Indiana, enters the following order establishing the amount of bail for those persons charged with the commission of criminal offenses by information; arrest on probable cause, or indictment.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that effective immediately and until further order of the Court, bail shall be as follows for all individuals charged with the commission of criminal offenses in the Owen Circuit Court:

SECTION 1. FELONIES

- A.** For a person charged with murder or attempted murder, a person who is a sexually violent predator under IC 35-38-1-7.5, and who is arrested or charged with the commission of an offense that would classify the person as a sex or violent offender as defined by IC 11-8-8-5, or for a person charged with Child Molesting or Child Solicitation, no bail shall be set except by a judge at a preliminary hearing;
- B.** An individual arrested for any offense shall not be admitted to bail until the following information regarding said individual has been obtained and certified by computer check of criminal records, Bureau of Motor Vehicle record, IDACS or NCIC, communications with any law enforcement officer or agency or any other means approved by the Sheriff of Owen County, Indiana.
 - 1. Name
 - 2. Current address
 - 3. Date of birth
 - 4. Identification (i.e. Social Security # or BMV #)
 - 5. Whether there are any outstanding warrants for the arrest of said individual.
 - 6. The criminal record, if any, of the individual arrested.
- C.** For a person charged with being a habitual offender; non-bondable until they appear for initial hearing;
- D.** For any Level 1 and 2 offense; bail shall be \$100,000.00 cash or surety;
- E.** For any Level 3 and 4 offense; for in state defendants, bail shall be \$30,000.00 cash or surety and out of state defendants, bail shall be \$60,000.00 cash or surety;
- F.** For any Level 5 offense; in state defendants, bail shall be \$20,000.00 cash or surety and out of state defendants, bail shall be \$40,000.00 cash or surety;
- G.** For any Level 6 offense; bail shall be \$7,500.00 cash, surety or 10% cash alternative.

SECTION II. MISDEMEANORS

- A.** Any person arrested for a B and C misdemeanor offense other than battery, disorderly conduct, invasion of privacy, possession of a handgun without a license, operating a vehicle while intoxicated operating with either a .08 or .15 ACE, shall be released from jail to appear in court on that person's own recognizance, subject to the following conditions:

1. At the time such a person is released on recognizance, the person shall be required to furnish a present residential and mailing address, telephone number, social security number, and employer's name and address. The identifying data of any full-time or part-time student shall include a student's permanent address and telephone number as well as the student's local address and telephone number.
2. If the person arrested is under 21 years of age, the information shall also include parents' names, addresses, and telephone numbers.
3. If the person agrees to provide the data required in Section II, A(1), but is unable to provide a social security number, driver's license, photo identification card, or employer information, the person may be released to the custody of a resident of Owen County over 18 years of age who can provide such data on themselves.
4. Upon refusal to provide the information required under this Section, the person shall be held until brought before a judge.

B. A person charged with B or C misdemeanor, shall not be released on recognizance if the person:

1. Has any conviction within the last 5 years;
2. Has failed to appear in any court within the last 5 years;
3. Has pending criminal charges; or
4. Is on probation or parole at the time of arrest.

C. If the provisions of this Section do not authorize the release of the person on recognizance, bail shall be as follows:

1. For any Class A misdemeanor, bail shall be \$5,000.00 cash, surety or 10% percent cash alternative;
2. For any Class B misdemeanor, bail shall be \$3,500.00 cash, surety or 10% cash alternative;
3. For any Class C misdemeanor, bail shall be \$2,500.00 cash, surety or 10% cash alternative.

SECTION III. MISCELLANEOUS PROVISIONS

A. PROMISE TO APPEAR.

1. Any person, whether released on recognizance or bail for a misdemeanor or felony offense, shall be required to execute a written Promise to Appear in the appropriate court at the designated date and time. The Promise to Appear form shall be immediately forwarded to Circuit 1 by the Sheriff.

B. INTOXICATION. No person shall be released by the Sheriff of Owen County, regardless of the provisions of this Order, unless such person clearly manifests a state of sobriety at the time the provisions of this Order would otherwise permit release.

1. The Sheriff shall hold in custody any person who is under the influence of alcohol or controlled substances until such time it is determined, at the Sheriff's discretion, that the individual may be safely released without danger to self or others.
2. When information is available concerning the blood-alcohol content of an intoxicated person due to the administration of blood tests, breath tests, or other chemical tests, no intoxicated person shall be released by the Sheriff except as provided by IC 35-33-1-6.
3. When no information is available concerning the blood-alcohol content of a person charged with operating while intoxicated, such person shall not be released for a period of 24 hours, unless ordered by a judge.
4. When no information is available concerning the blood-alcohol content of a person charged with public intoxication, such person shall not be released for a period of 4 hours, unless ordered by a judge.

C. BATTERY. A person arrested on a charge involving battery or domestic battery, shall not be released until 24 hours have elapsed, unless ordered by a judge. The person may then post bail:

1. Pursuant to other sections of this Bail Order; and
2. If the person agrees in writing to initiate no contact with the victim.

Upon refusal to sign a No Contact Agreement, the person shall be held without bail until brought before a judge.

D. EXTRADITION. Any person extradited to Owen County shall be held without bail until brought before a judge.

E. OVERWEIGHT TRUCKING VIOLATIONS. The bail schedule as set out in this Order shall not apply to trucking violations. Bail for such offenses shall be determined pursuant to the provisions of IC 9-20-18-1, et seq.

F. COMBINATION OF CHARGES. If a person is charged with the commission of more than one offense arising out of a single incident, whether the offenses are felonies or misdemeanors, bail shall be in one amount for all charges, and shall be in the amount established for the most serious offense charged.

G. DOUBLE BOND. The specified surety bond for felonies or misdemeanors shall be doubled in the event the person has a pending case, has been convicted of a felony within the last 5 years, or is a habitual vehicle substance offender.

H. CASH BOND. After normal business hours the Sheriff shall accept a bond made in cash or by certified check and shall issue a receipt. A cash bond must be posted in the name of the Defendant. Thereafter, as soon as is practicable, the Sheriff shall deposit the cash or certified check with the Owen County Clerk.

I. TEN PERCENT CASH BOND.

1. Any individual charged with a misdemeanor may post a 10% cash bond without prior approval of the Court provided that the defendant and the person posting said bond execute a Personal Appearance Bond with Ten Percent Cash Deposit form as specified by this Court.
2. No individual charged with a felony, except for a level 6 felony, may post a 10% cash bond unless the Court first approves the posting of such a bond. In the event that the Court approves such a bond, the defendant and the person posting the bond shall execute a Personal Appearance Bond with Ten Percent Cash Deposit form as specified by this Court.
3. When a defendant and the person posting the bond have executed the Personal Appearance Bond With Ten Percent Cash Deposit form, the said form shall be delivered to the Clerk of this Court with the amount of the bond. When the conditions of the bond have been performed and when so Ordered by this Court, the Clerk of this Court shall retain ten percent (10%) of the deposit for administrative fees (which shall not exceed \$50.00), shall deduct the amount of any judgment for fines, Court costs, restitution, public defender fees or probation users fees and apply the same to the payment of said judgments and shall return the balance remaining, to the defendant or person who posted said bond.

J. ALL BONDS.

All bonds will be reviewed by this Court at the first Court appearance of the defendant.

When bond is posted as provided herein, the Sheriff of Owen County, Indiana, or his designated employee, shall cause the defendant to sign a promise to appear in the Owen Circuit Court. Three copies of such promise to appear shall be prepared. The original, with a copy of said bond attached, shall be filed with the Clerk of the Owen Circuit Court. The Sheriff shall deliver one copy of said promise to appear to the defendant, a second copy to the Prosecuting Attorney and shall retain one copy in the files of the Owen County Sheriff.

K. PROBATION/PAROLE HOLD. A person charged with the commission of a crime while on probation or parole shall be held without bail until brought before a judge.

L. RELEASE OF BOND. No cash bond may be released by the Owen County Clerk, except upon written order of a judge after judgment has been entered and any fines, fees, and costs including probation users fees and assessments imposed by the Court have been paid and satisfied.

M. AMOUNT OF BAIL ON WARRANT. If bail is set at a probable cause hearing, the amount of bail set by the judge shall be endorsed upon the arrest warrant and shall supersede conflicting provisions of this order.

N. MODIFICATION. The State and/or the defendant, at any time, can file a request for modification of bond.

(Effective July 1, 2014)

LR60-CR00-9 PUBLIC DEFENDER APPOINTMENT

Public Defender appointments continue for 30 days beyond conviction in criminal cases or disposition in Juvenile Delinquency cases.

**LR60-CR00-10 TRANSPORTING PRISONERS FOR
MENTAL HEALTH EVALUTIONS**

- A.** The Owen County Sheriff will provide transportation of prisoners to the Bloomington Hospital, or other agency determined as appropriate for competency or sanity evaluations.
- B.** Emergency evaluations and dispositional reports may be conducted in jail.

LR60-CR2.1-1 APPEARANCE OF DEFENSE COUNSEL

- A. WRITTEN APPEARANCE.** An attorney must file a written appearance for the defendant at the earliest possible time after being retained by the defendant or appointed by the Court to represent the defendant.
- B. WITHDRAWAL OF APPEARANCE.** An attorney's appearance on behalf of a defendant may be vacated or withdrawn only after a hearing in the presence of the defendant. The defendant's presence will not be required upon the attorney's demonstration at the hearing of the inability to locate the defendant.
- C. WAIVER OF HEARING.** The hearing required in Section (B) is waived if another attorney has entered a written appearance on behalf of the defendant.
- D. WITHDRAWAL BASED ON NONPAYMENT OF FEES.** An attorney's motion to vacate or withdraw his appearance on behalf of a defendant based solely upon the defendant's failure to pay the attorney's fee, will not be granted:
 - 1. If filed more than 6 months after the initial hearing; or
 - 2. If filed less than 30 days before scheduled trial date.
- E. Duration of Appearance.** An attorney's appearance on behalf of a defendant is deemed to be vacated or withdrawn after the time permitted to file a Notice of Appeal for the purposes of appealing a disposition on the merits has elapsed and an appeal has not been initiated. If an appeal is initiated, the attorney remains of record for the defendant until the appeal is concluded or the appearance is otherwise vacated pursuant to this rule.

LR60-CR2.2-**CRIMINAL RESPONSIBILITIES**

- A.** Circuit Court 1 Judge shall review Affidavits For Probable Cause submitted by the Prosecutor or his or her Deputy Prosecutor each Saturday evening and submit a finding no later than 7:00 p.m., by electronic or written means, to the Owen County Security Center and others on an approved distribution list, finding probable cause for those persons arrested without a warrant from Friday at noon until Saturday at 1:00 p.m. A signed written Order shall be issued on Monday morning for each determination. The schedule is adjusted on holiday weekends so that no person is held longer than forty-eight (48) hours without a finding of probable cause.
- B.** The Circuit Court 1 Judge shall be responsible for initial hearings, probable cause determinations and other criminal judicial issues requiring immediate action.
- C.** The Circuit Court 1 Judge shall request incarcerated defendants to appear in Court within forty-eight (48) hours of their arrest, excluding weekends, to inform them of the reason for their hold. Each day the Owen County Sheriff's Department will review the arrest list and inform the Circuit Court 1 Judge of these defendants.
- D.** The Circuit Court 2 Judge will be responsible for any initial hearings, Court proceedings and Judicial decisions involving any individuals being held on civil writs.

LR60-CR-7**DRUG COURT FEE**

- (1) Those persons directed to participate in the Owen County Drug Court shall pay a \$100.00 Court administration fee per admission for initial Drug Court services regardless of the length of participation in the Owen County Drug Court in accordance with I.C. 33-23-16-23. The Clerk of the Court shall collect and transmit the fee within thirty (30) days after the fees are collected for deposit by the auditor or fiscal officer in the appropriate user fee fund established under I.C. 33-37-8.
- (2) Those persons directed to participate in the Owen County Drug Court shall in addition to the \$100.00 admission fee pay an additional \$40.00 per month for a Drug Court service fee beginning with the second month of participation and for each month thereafter for the duration of participation in the Owen County Drug Court in accordance with I.C. 33-23-16-23.

(Amended effective January 1, 2012)

LR60-CR-8**LATE PAYMENT FEE**

The Court shall impose the late payment fee as authorized under I.C. 33-37-5-22 in the manner prescribed under that statute in those cases meeting the criteria of the statute.

LR60-AR00-1**EXECUTIVE ADMINISTRATION**

- A. BOARD OF JUDGES.** The two Judges of Owen Circuit Court shall constitute the Board of Judges.
- B. PRESIDING JUDGE.** The Judge of Circuit Court 1 shall serve as Presiding Judge beginning January 1, 2015 and the Judge of Circuit Court 2 shall serve as Vice Presiding Judge. They each will serve for a one year term. Thereafter, the positions of the Presiding Judge and Vice Presiding Judge will alternate with Circuit Court 1 serving as Presiding Judge in the odd years and Circuit Court 2 Judge presiding in the even years. The Presiding Judge shall:
1. Provide general administrative direction and supervision of the operation of the Court, consistent with the policies, priorities and goals of the Court;
 2. Serve as liaison between the Court, government and civic agencies;
 3. Circuit Court 1 and Circuit Court 2 will work together on submitting an annual unified budget to the Owen County Council;
 4. Ensure efficient operation of the Court system and compliance with local rules;
 5. Allocate Courtrooms and ancillary space for efficient administration of Court business;
 6. Prepare proposed local rules to expedite and facilitate the Court business;
 7. Review annually the bail schedule, caseload allocation plan, juror policies and other issues bearing on the operation of the Court system;
 8. Recommend appointments as specified in IC 33-4-10-5(1) and by local ordinance for approval by the Board of Judges;
 9. Establish and maintain a plan for continuity of operations.
- C.** When the Presiding Judge is unavailable the Vice Presiding Judge, if available, will serve as the acting Presiding Judge.

LR60-AR00-2**PROCEDURE FOR LOCAL RULES**

- A.** The Presiding Judge shall submit proposed rules to the Owen County Bar Association for consideration and recommendation.
- B.** After adoption by the Board of Judges the rules shall be published and distributed to:
1. The Board of Judges of the Owen Circuit Court;
 2. The Clerk of the Supreme Court and Court of Appeals of Indiana;
 3. The Indiana State Court Administrator;
 4. The Clerk of the Owen Circuit Court;
 5. Members of the Owen County Bar Association.

LR60-AR00-3**ATTENDANCE AT MEETINGS**

The Presiding Judge shall be responsible for attending meetings of the Owen County Council and Owen County Commissioners.

LR60-AR00-4**EMERGENCY CLOSING**

- A.** The Presiding Judge, after consultation with the Vice Presiding Judge, may determine that the Courts are closed due to a temporary emergency (i.e. snow, breakdown in facility utilities, etc.). Either Judge, notwithstanding that authority, may require his or her Court Reporters to work.
- B.** The County Commissioners have the authority to close the Owen County Courthouse.

LR60-AR1 (E)-1**CASELOAD ALLOCATIONS (to be effective on January 1, 2015)**

- A. PROCEDURE.** The Presiding Judge and Vice Presiding Judge shall:
 - 1. Review and comply with current caseload allocation Orders of the Indiana Supreme Court.
 - 2. Review and assess literature from the Indiana State Bar Association, the American Bar Association and the National Center for State Courts.
 - 3. Review and consider suggestions made by the Owen County Bar Association, the Prosecuting Attorney and Public Defenders.
 - 4. Review and analyze the statistics on current workload and case flow within the Owen Circuit Court.
 - 5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve the public confidence in the system, promote stability for employees of the Court system and avoid inefficient use of personnel, time and resources to effectuate change. Caseload allocation shall be determined by Judicial seniority.
- B. IMPLEMENTATION.** The Clerk of Owen County shall maintain a filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by Order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and the Court of Appeals, the State Court Administrator, the Clerk of the Owen Circuit Court and the President of the Owen County Bar Association. The current allocation will be as follows:
 - 1. **CASE ASSIGNMENT.**

The Clerk shall assign cases as directed by the Presiding Judge and Vice Presiding Judge.

 - a. The Clerk shall assign all Criminal and Traffic cases to Circuit Court 1.
 - b. The Clerk shall assign all Domestic Relation, Juvenile Paternity, Reciprocal Support, Protective Orders, CHINS, Juvenile Miscellaneous filed by the Department of Child Services and Juvenile Terminations, Small Claims, Ordinance Violations and all Civil cases to Circuit Court 2.

- c. The Clerk shall assign all Juvenile Delinquencies, Juvenile Status, Juvenile Miscellaneous resulting from delinquent acts, Adoptions, Mental Health, Guardianship and Estates to Circuit Court 1.
- d. Circuit Court 1 will be assigned any cases referred to the Owen County Drug Court. Circuit Court 2 will be assigned any request made by the Drug Court team regarding any individuals for termination from the Drug Court.
- e. Circuit Court 2 will be assigned any cases referred to the Owen County Juvenile Problem Solving Court. Circuit Court 1 will be assigned any requests made by the Juvenile Problem Solving team regarding any juveniles for termination from the Juvenile Problem Solving Court.
- f. Circuit Court 1 will be assigned all defendants and juveniles terminated from the Drug Court or Juvenile Problem Solving Court for sentencing and disposition.
- g. The Clerk shall assign to Circuit Court 1 all MC and MI cases (excluding tax warrants). The Clerk shall assign to Circuit Court 2 only the MI cases involving tax warrants.

C. EMERGENCY CASE MANAGEMENT

- 1. Nothing in these Rules shall preclude Circuit Court 1 and Circuit Court 2 from agreeing with each other to preside over and handle any type of case only for emergency purposes while the other Judge is unavailable.

LR60-AR1 (E)-2

EVALUATION OF WORKLOAD INFORMATION

The Judges of the Owen Circuit Court shall meet and evaluate their respective caseloads on January 10th of each year and June 10th of each year to determine whether any disparity in their respective caseloads requires adjustment and allocation of judicial resources.

LR60-AR1(E)-3

REMEDIES IN REGARD TO DISPROPORTIONATE CASELOAD

- 1. If the Judges of the Owen Circuit Court determine a disparity in caseload, the Courts will address the issue in the following fashion:
 - a. The Courts will use appointments of Judges Pro-tempore to allow time for research and disposition of cases not otherwise available due to congestion in the docket.
 - b. The Courts will request assistance of a Senior Judge to allow the Circuit Court Judges time to address matters under advisement and otherwise reduce the delay in case backlog.
 - c. In the event that provisions (a) and (b) are not adequate to address the problem, the Courts will proceed under the regional plan approved for Administrative District 10 and request the services of another Judge in said District.

(This rule has been modified. The original rule was approved by the Indiana Supreme Court on September 30, 1999.)

LR60-AR02-1 EXPENDITURES

The Presiding Judge may approve capital expenditures up to five hundred dollars (\$500.00) without further consideration by the Board of Judges.

LR60-AR10-1 OWEN COUNTY CLERK/DUTIES AND RESPONSIBILITIES

(A) DUTIES. The Clerk of the Circuit Court of Owen County (Clerk) shall place within five (5) days of receipt from the Owen Circuit Court all pleadings and case-related documents in the proper case file.

(1) The Clerk shall maintain any record required by an act of the general assembly or a duly promulgated rule of any state agency, including the following:

- (a) *Lis pendens* record (IC 32-30-11-1);
- (b) Record of transcripts and foreign judgments (IC 33-32-3-2(d));
- (c) Judgment Docket (IC 33-32-3-2), wherein all orders requiring entry in the judgment docket shall include the term “judgment” in the title and shall set forth the specific dollar amount of the judgment in the body of the order;
- (d) Execution docket (IC 33-32-3-5);
- (e) Records specified under the probate code; and
- (f) Records specified by the state board of accounts as to the fiscal matters relating to the court and clerk.

(2) The Clerk shall also maintain the following records as specified under Rule 77 of the Indiana Rules of Trial Procedure:

- (a) All new complaints and assigning cause numbers;
- (b) Case file;
- (b) Record of judgments and orders (order book); and
- (c) Indexes.

(B) CASE FILE. In each case assigned a case number, the Clerk shall maintain a file containing a copy of any order, entry, or judgment in the case and the original of all other documents relating to the case including: pleadings, motions, service of process, return of service, verdicts, executions, returns on executions and, if prepared, certified, and approved, the transcript of testimony. The original order, entry, or judgment shall be maintained as part of the order book. The file shall also contain a copy of such original. Unless necessary to detail the filing chronology, the case file need not include transmittal letters, instructions, envelopes or other extrinsic materials not related to the issues of the case. The file shall contain an index tab listing the case number and an abbreviated designation of the parties and shall note the information required under section (D) of this local rule. In the event the court does not maintain a separate evidence file, documents entered into evidence, including depositions, shall be placed into the case file.

(C) RECORDS OF JUDGMENTS AND ORDERS (ORDER BOOK). The Clerk shall maintain a daily, verbatim, compilation of all judgments of the court, designated orders of the court, orders and opinions of an appellate tribunal relating to a case heard by the court, local court rules under Trial Rule 81 of the Indiana Rules of Trial Procedure, certification of the election of the regular judge of the court, any order appointing a special judge, judge pro tempore, or temporary judge, the oath and acceptance of any judge serving in the court, any order appointing a special prosecutor, and the oath and acceptance of a special prosecutor. The Clerk may maintain a separate record of judgments and orders as required for the functional management of the court's business. Except where the record of judgments and orders is maintained electronically, a separate record of judgments and orders for confidential materials shall be maintained.

(D) INDEXES. In addition to any index required under the provisions of this rule, state statute, or duly promulgated rule of a state agency, the Clerk shall prepare and maintain indexes of all actions and proceedings in circuit court. This index shall be in an alphabetical format which notes the names of all parties, the date on which a party became part of the proceeding, and the case number of the proceeding.

(E) CASE FILE STATUS.

- (1) The Clerk shall maintain the case files, as set forth under section (B) of this local rule, in either a pending or decided status. Pending files, arranged by assigned case number, consist of all cases which have not been decided. Decided files consist of the actions which have been concluded and no further proceedings remain to be conducted as evidenced by the final judgment or other order of the court.
- (2) When a case has been decided, the file shall be assigned a disposition date pursuant to Administrative Rule 7 of the Indiana Supreme Court and maintained under the original case number in a location apart from pending files. In the event a decided case is redocketed for consideration by the court, the disposition date shall be deleted from the file and the case file returned to the pending cases in sequence with the case number originally assigned. A disposition date shall be reassigned at the time the case returns to a decided status.

(Adopted effective December 1, 2013)

The Court, being duly advised, now adopts the following local Court Rule regarding Administrative Rule 15, Court Reporters. In regard to the work of the Court Reporter of the Owen Circuit Court, the Court now adopts the following local Court rule:

1. The Owen Circuit Court shall designate one Court Reporter to act as the Official Court Reporter for preparation of transcript purposes, who shall be paid an annual salary approved by the Owen County Council and who shall have the responsibilities of a Court Reporter under Indiana law. The annual salary paid to the Official Court Reporter shall compensate her for all normal working hours as approved by the Owen County Board of Commissioners and adopted by this Court and shall be paid in compliance with all State and Federal Labor laws effective at the time of employment.
2. The Court Orders that any transcript prepared for an indigent party for which payment is the responsibility of Owen County shall be charged at the rate of \$4.00 per page.
3. The Court Orders that in regard to the preparation of a county indigent transcript, the Court Reporter shall submit a claim for these expenses directly to Owen County.
4. The Court Orders that the charge for a State indigent transcript, shall be a maximum of \$4.00 per page.
5. The Court Orders that the maximum per page fee for a private transcript to be charged by the Owen Circuit Court Court Reporter shall be \$4.00 per page.
6. The Court Orders that the maximum per page fee for an appellate transcript shall be \$4.00 per page.
7. The Court Orders that the minimum fee for preparation of a transcript which is nine pages or less in length shall be the sum of \$35.00.
8. The Court Orders that the Court Reporter may charge an additional hourly labor charge for time spent binding the transcripts and binding the exhibits. This labor charge shall be equivalent to the Court Reporter's hourly compensation rate.
9. The Court Orders that the Official Court Reporter of this Court report on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees either County indigent, State indigent or private received by the Court Reporter.
10. The Court Orders that the Official Court Reporter of the Owen Circuit Court shall not engage in any private practice of recording a deposition and/or preparing a deposition.

11. In regard to the use of the Court's equipment, the Court Orders that the Official Court Reporter of the Owen Circuit Court shall be allowed to use county equipment entrusted to the Owen Circuit Court for purposes of preparing any transcripts which the Court Reporter is required to prepare under the Court Reporter's duties as a Court Reporter.
12. In regard to any compensation for gap or overtime hours, the Court Orders that the Official Court Reporter of the Owen Circuit court, shall be entitled to compensatory time from her employment for any hours worked between the county specified hours of 35 hours per week and a full time week of 40 hours. that in regard to any overtime hours, to-wit: hours in excess of 40 hours per week or any gap hours, the Court Reporter shall be paid overtime pay of time and an half of her regular hourly salary. In regard to any compensatory time that is due and owing to the Court Reporter, the Court Reporter shall be entitled to be paid for said compensatory time or compensatory time off from work at the Court Reporter's choice with the exception that all compensatory time for any calendar year shall be either paid or used by December 1st of each year with the discretion of the Court and the Court Reporter to agree to an accrual or saving of a certain balance of compensatory time for the Court Reporter's use as deemed appropriate.

LR60-FL-1 REQUIRED PARENTING CLASS IN DISSOLUTION OF MARRIAGE CASES

In all dissolution of marriage cases involving minor children, the parties shall at their own expense attend and complete the Children Cope with Divorce program of the Visiting Nurse Service, Inc. prior to entry of the decree dissolving the marriage of the parties. Upon application to the Court, the Court may at its discretion waive this requirement or allow participation in an equivalent program. Each party shall be individually responsible for complying with this requirement and providing proof of compliance with the Court.

LR60-FL-2 FAMILY COURT, FAMILY COURT RULES

The Owen Circuit Court operates a Family Court Project, which has been approved by the Indiana Supreme Court. The Owen Circuit Court hereby adopts the Family Court Project Rules, which have been approved by the Indiana Supreme Court.

LR60-FL-2A DEFINITIONS

Family Court “Family Court” is the court or courts before which cases involving a family or household are linked together for purposes of case coordination. The individual cases maintain their separate integrity and separate docket number, but may be give a common family court designation. The individual cases may all be transferred to one judge or may remain in the separate courts in which they were originally filed.

Family Court Proceeding “Family Court Proceeding” is comprised of the individual cases of the family or household which have been assigned to Family Court.

LR60-FL-2B EXERCISE OF JURISDICTION

The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case (Child In Need of Services, Delinquency, Status, and Paternity) involving the family.

LR60-FL-2C CONCURRENT HEARINGS

The Family Court may, in the court’s discretion, set hearings on related cases to be heard concurrently, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each cause separately as needed to adequately preserve the record for appeal. The rule applies only when the cases are pending before the same judicial officer.

LR60-FL-2D**DESIGNATION OF FAMILY COURT CASE AND
CHANGE OF JUDGE FOR CAUSE**

Once notice is sent to the parties that a case has been selected for Family Court, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76.

Within ten (10) days after notice is sent that a case has been selected for Family Court, a party may object for cause to the Family Court designation.

A motion for change of venue from the judge in any matters arising in the Family Court proceeding or any future cases joined in the Family Court proceeding after the initial selection of cases, shall be granted only for cause.

If a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

LR-60-FL-2E**JUDICIAL NOTICE AND ACCESS TO RECORDS**

Notice of Case Assignment Within a reasonable time after a case is assigned to Family Court, the court shall provide to all parties in the Family Court proceeding a list of all cases that have been assigned to that Family Court proceeding.

Judicial Notice Any court having jurisdiction over a case assigned to Family Court may take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County, or Probate Court.

If a court takes judicial notice of:

- (a) a court order, the court shall provide a copy of that court order; or
- (b) a CCS or CCS entry(s), the court shall provide a copy of the entire CCS.

The court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken.

Access to Records Parties to a Family Court proceeding shall have access to all cases within the Family Court Proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to the confidential cases or records in another case within the Family Court proceeding in which they are not a party, by written petition based on relevancy and need. Confidential records shall retain their confidential status and the Family Court shall direct that confidential records not be included in the public record of the proceedings.